

02-05-07

JFJ-

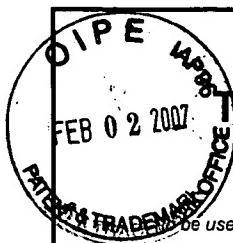
Please type a plus sign (+) inside this box → 

PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



## TRANSMITTAL FORM

(be used for all correspondence after initial filing)

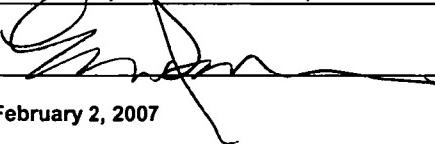
		Application Number	10/547,999
		Filing Date	September 7, 2006
		First Named Inventor	PORTNOY, DANIEL A.
		Group Art Unit	1645
		Examiner Name	Not yet assigned
Total Number of Pages in This Submission	4	Attorney Docket Number	BERK-017CIP

### ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Return Postcard
<input checked="" type="checkbox"/> Information Disclosure Statement SB08A form (total 3 pgs.)	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Certified Copy of Priority Documents	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Signing Attorney/Agent (Reg. No.)	EDWARD J. BABA, 52,581 BOZICEVIC, FIELD & FRANCIS, LLP
Signature	
Date	February 2, 2007

### EXPRESS MAIL LABEL NO. EV 687 633 932 US

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Express Mail No. EV 687 633 932 US

INFORMATION DISCLOSURE STATEMENT		
Address to:	Attorney Docket	BERK-017CIP
Mail Stop	First Named Inventor	PORTNOY, DANIEL A.
Commissioner for Patents	Application Number	10/547,999
P.O. Box 1450	Confirmation No.	6366
Alexandria, VA 22313-1450	Filing Date	September 7, 2006
	Group Art Unit	1645
	Examiner Name	Not yet assigned
	Title:	"SITE SPECIFIC LISTERIA INTEGRATION VECTORS AND METHODS FOR USING THE SAME"

Sir:

This is an Information Disclosure Statement submitted for the Examiner's consideration. A Form PTO-SB/08A listing the references and copies of the cited references accompany this paper. Applicants would appreciate the Examiner's initialing and returning the form to indicate that the references have been reviewed and made of record.

**All of the references identified herein were disclosed in parent application serial number 10/136,860 filed 04/30/2002 and as such, copies thereof are not included pursuant to the provisions of 37 CFR § 1.98(d).**

This Information Disclosure Statement is not intended as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that any one of the above references constitutes prior art to the present application within the meaning of 35 U.S.C. § 102.

As applicants have not yet received a first Action on the merits, no fee is believed to be required for filing this Disclosure Statement. If, however, the PTO finds that for some reason a fee is due, our Deposit Account No. 50-0815, Order No. BERK-017CIP may be charged thereon.

Respectfully submitted,

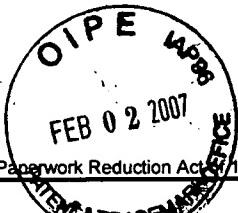
BOZICEVIC, FIELD & FRANCIS LLP

Date: Feb. 2, 2007

By: 

Edward J. Baba  
Registration No. 52,581

BOZICEVIC, FIELD & FRANCIS LLP  
1900 University Avenue, Suite 200  
East Palo Alto, California 94303  
Telephone: (650) 327-3400  
Facsimile: (650) 327-3231



PTO/SB/08a (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

**Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.**

 <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>		<b>Complete if Known</b>	
		Application Number	10/547,999
		Filing Date	September 7, 2006
		First Named Inventor	PORTNOY, DANIEL A.
		Art Unit	1645
		Examiner Name	
Sheet	1	of	2
		Attorney Docket Number	
		BERK-017CIP	

## **U.S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

FOREIGN PATENT DOCUMENTS					
Examiner Initials'	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)			
/P.D./		WO 99/25376	05-27-1999	Frankel, et al.	T <sup>6</sup>
/P.D./		WO 00/09733	02-24-2000	Portnoy, et al.	
/P.D./		WO 99/07861	02-18-1999	Frazao, et al.	
/P.D./		WO 02/08431	01-31-2002	Francis, et al.	

<b>Examiner Signature</b>	/Patricia Duffy/	<b>Date Considered</b>	03/28/2008
-------------------------------	------------------	----------------------------	------------

**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.<sup>1</sup> Applicant's unique citation designation number (optional).<sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).<sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.<sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
Sheet	2	of	2	Application Number	10/547,999
				Filing Date	September 7, 2006
				First Named Inventor	PORTNOY, DANIEL A.
				Art Unit	1645
				Examiner Name	
				Attorney Docket Number	BERK-017CIP

<b>NON PATENT LITERATURE DOCUMENTS</b>					
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T <sup>2</sup>
/P.D./		<b>LAUER et al "Construction, Characterization, and Use of Two Listeria Monocytogenes Site-Specific Phage Intergration Vectors" Journal of Bacteriology, August 2002, Vol. 184. NO15, pps4177-4186</b>			
/P.D./		<b>SCHAFERKODT et al. "Vector Plasmid for Insertional Mutagenesis and Directional Cloning in Listeria spp" BioTechniques, 1995 Vol. 19 Number 5, pages 720-725</b>			
/P.D./		<b>FORTINEAU et al "Optimization of Green Fluorescent Protein Expression Vectors for InVitro and In Vivo Detection of Listeria Monocytogenes" Res. Microbiol. 2000, Vol. 151. pp. 353-360</b>			
/P.D./		<b>REITER et al. "Transfer RNA Genes Frequently Serve As Integration Sites For Prokaryotic Genetic Elements" Nucleic Acids Research, 1989, Vol. 17, No. 5. pp. 1907-1914</b>			
/P.D./		<b>SCOTT et al. "Conjugative Transposition" Annu. Rev. Microbiol. 1995, Vol. 49, pp. 367-397</b>			
/P.D./		<b>SHEN et al. "Recombinant Listeria monocytogenes as a live vaccine vehicle for the induction of protective anti-viral cell-mediated immunity." Proc. Nat'l Acad. Sci. ,USA, April 1995, Volume 92, Number 9, pages 3987-3991.</b>			
/P.D./		<b>LOESSNER et al. (Molecular Microbiology, 35(3):324-340, 2000)</b>			
/P.D./		<b>HODGSON et al. (Molecular Microbiology, 35(2):312-323, 2000)</b>			
/P.D./		<b>AUTRET, et al. "Identification of New Genes Involved in the Virulence of Listeria monocytogenes by Signature-Tagged Transposon Mutagenesis," (2001) 69(4):2054-2065.</b>			

Examiner Signature	/Patricia Duffy/	Date Considered	03/28/2008
--------------------	------------------	-----------------	------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.